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PER L.R. IA 11-1(b)

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

NORTH AMERICAN TITLE INSURANCE  
COMPANY,

Defendant.

Case No.: 2:21-cv-00415-KJD-VCF

**STIPULATION AND ORDER TO STAY  
CASE**

COMES NOW defendant North American Title Insurance Company (“North American”) and plaintiff Bank of America, N.A. (“BANA”), by and through their respective attorneys of record, which hereby agree and stipulate as follows:

**WHEREAS** this is one of over 100 title insurance coverage disputes pending before the courts within the state of Nevada following an HOA foreclosure sale. Virtually all of these actions concern the form ALTA 1992 or ALTA 2006 loan policy of title insurance, along with the CLTA 100/ATLA 9 endorsement and potentially a CLTA 115.2/ATLA 5 or CLTA 115.1/ALTA 4 endorsement;

**WHEREAS** on October 12, 2023, the Nevada Supreme Court issued its unanimous decision in *Deutsche Bank Nat’l Trust Co. v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court

1 Case No. 84161 (“*Deutsche Bank*”) and on that same day issued an unpublished decision  
2 affirming the District Court’s decision in *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada  
3 Supreme Court Case No. 83737 (“*PennyMac*”);

4       **WHEREAS** on October 30, 2023, the appellant in the *Deutsche Bank* matter filed a  
5 petition for rehearing;

6       **WHEREAS** the Parties acknowledge that the Nevada Supreme Court’s decision in the  
7 Appeals touches upon issues of interpretation of the form policy and endorsements which  
8 potentially affect the disposition of this action, as the Appeals involve the interpretation of the  
9 same form policy and endorsements as are at issue here;

10       **WHEREAS** the Parties believe that that a stay in the instant action will best serve the  
11 interests of judicial economy while the Parties consider how the decision in *Deutsche Bank* and  
12 the potential disposition of the petition for rehearing affect the instant action. To that end, the  
13 Parties request that the Court stay this action until the remittiturs in the Appeals issue. BANA  
14 shall submit a joint status report to the court within fourteen (14) days of the issuance of the  
15 remittiturs in the *Deutsche Bank* appeal.

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1           **NOW THEREFORE**, the parties stipulate and agree as follows, subject to the approval  
2 of the District Court:

- 3           1. This case shall be **STAYED** pending the issuance of the remittiturs in the *Deutsche Bank*  
4           appeal;
- 5           2. All deadlines currently set in this case and the scheduling order currently in effect in this  
6           case are hereby **VACATED**;
- 7           3. BANA shall submit a joint status report within fourteen (14) days of the issuance of the  
8           remittitur in the *Deutsche Bank* appeal.

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10 Dated: November 2, 2023

SINCLAIR BRAUN KARGHER LLP

11 By: /s/-Kevin S. Sinclair

12 KEVIN S. SINCLAIR  
13 Attorneys for Defendants  
14 NORTH AMERICAN TITLE INSURANCE  
15 COMPANY

16  
17 Dated: November 2, 2023

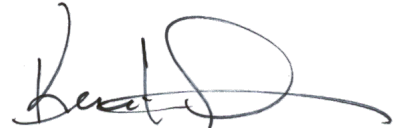
WRIGHT FINLEY & ZAK

18 By: /s/-Darren T. Brenner

19 DARREN T. BRENNER  
20 Attorneys for Plaintiff  
21 BANK OF AMERICA, N.A.

22 **IT IS SO ORDERED.**

23 Dated this 21st day of November, 2023.

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HON. KENT J. DAWSON  
DISTRICT COURT JUDGE